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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,847	02/27/2002	Charles E. Dalbec	5375	6213

7590

04/09/2003

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EXAMINER

SINGH, ARTI R

ART UNIT

PAPER NUMBER

1771

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DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,847

Applicant(s)

DALBEC, CHARLES E.

Examiner

Ms. Arti Singh

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because informal drawings were initially submitted. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show: a even though all of the reference numbers are accounted for there is no "real" description of Figure 2 in the specification. Currently, only figure 1 is actually described. as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: There is no period at the end of the last sentence on page 3 to end the sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Civardi et al. USPN 4,122,223. The teachings of Civardi et al. disclose an artificial leather sheet material used in a variety of applications. Civardi et al. employ a textile fabric, woven or non-woven (column 1, lines 13-15) comprising interlaced multi-fiber yarns. The weaves used per se are satin (column 2, line 24) and are also exemplified throughout the specification in varying float counts of a stain weave (Examples). According to one aspect of their invention the bottom face of the fabric is napped and the bonded together. In figure 14 and column 1, line 46 the instant invention indicates that the napped yarns may be sheared or skived (column 15, lines 18-42). Patentee, further states that the post treatment process (columns 2 & 4) such as abrading and bonding by an adhesive (column 2, line 9) prior to lamination is illustrated. Such adhesives may also be employed as the adhesive for bonding the opposite face of the fabric to other layers, for example- a pre-formed microporous layers like a film (column 4, lines 15-20). In column 20, lines 26-30, patentee further broadens the scope of the invention by providing a nap to both faces of the fabric, and then optionally provides post treatment such as cutting (shearing) to the composite. Thus, Civardi et al. teach the limitations of providing a simulated leather comprising a satin woven fiber substrate having a first surface, which may be napped, and a second surface, which may be napped and sheared which additionally may have an adhesive and adjoining layers upon it.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Civardi et al. (USPN 4,122,223). Civardi et al. teach what is set forth above, but do not explicitly teach the first side of the fabric substrate being the fill side of the satin weave and the second side of the fabric substrate being the warp of the satin weave. In fact patentee, suggests just the opposite. However, the Examiner takes the position that a skilled artisan in the art would have found it obvious to have flipped the fabric of Civardi et al. so that the fill was simply napped and the warp was both napped and sheared. One would have been motivated to do this as taught by Civardi that either side could have had the same post treatment process'. A skilled artisan would have been motivated to do this, as the napped and sheared surface would provide a more uniform adhesion surface.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPN 6,305,431 USPN 6,060,145 USPN 4,640,585 USPN 4,211,806
- USPN 4,118,529 USPN 4,103,054.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 703-305-0291. The examiner can normally be reached on M-F 8:00am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-873-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to be 'Arti Singh', written in a cursive style.

Ms. Arti Singh
Patent Examiner
Art Unit 1771

ars
April 7, 2003